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## FAX COVER SHEET

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DATE:	FEBRUARY 26, 2004	FEB 26 2004
TO FAX NO:	703/872-9306	
TELEPHONE:		
DELIVER TO:	EXAMINER EDWARD J. WEBMAN (GROUP ART UNIT 1617)	
FIRM NAME:	U.S. PATENT AND TRADEMARK OFFICE	
FROM:	MICHAEL A. GOLLIN REG. NO. 31,957	
TOTAL NO. OF PAGES:	13 (including cover)	
Our Ref.	31894-192403	
Re:	U.S. Patent Application No. 10/066,057	

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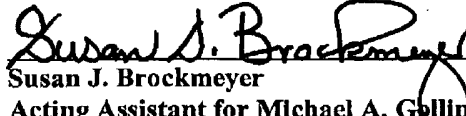
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FEB 26 2004

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the following Resubmission of Response to Final Office Action (13 pages, including cover page) is being transmitted by facsimile to the U.S. Patent and Trademark Office at fax number 703/872-9306 on February 26, 2004.

  
Susan J. Brockmeyer  
Acting Assistant for Michael A. Gollin  
Reg. No. 31,957

OFFICIAL

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Michael B. ZEMEL

Appl'n No. 10/066,057

Filed: January 31, 2002

For: MATERIALS AND METHODS FOR THE  
TREATMENT OR PREVENTION OF  
OBESITY

Art Unit: 1617

Examiner: Edward J. Webman

Confirmation No. 8306

Atty. Docket No. 31894-192403

Customer No.

26694  
PATENT TRADEMARK OFFICE**Resubmission of Response to Final Office Action**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**ATTENTION: MAIL STOP AF**

Sir:

Applicant resubmits the attached documents which were timely filed on December 2, 2003,  
in response to the Final Office Action mailed on September 26, 2003:

1. Filing Receipt, date-stamped by the OIPE on December 2, 2003;
2. Terminal Disclaimer; and

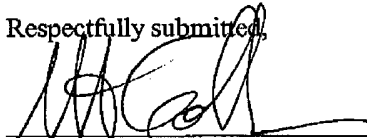
Application No. 10/066,057  
Applicant: Michael B. ZEMEL

3. Amendment and Response.

During a telephone conference with Supervisory Examiner Padmanabhan this morning, Applicant's counsel was informed that the U.S. Patent and Trademark Office has no record of having received the December 2, 2003 Amendment and Response. This Resubmission is intended to replace the papers that were apparently misplaced at the Patent and Trademark Office. Accordingly, as advised by Examiner Padmanabhan, no extension fee is due. However, if a fee is determined to be due, please charge the same to our Deposit Account No. 22-0261.

Given that almost three months have passed since the Response was filed, and action on a Response filed after a Final Office Action is generally due within one month, Applicant requests expedited consideration of the Amendment and Response, and early allowance of the application. In the event that Applicant needs to make other submissions requiring extension fees, Applicant will seek a reduction or waiver of such fees at that time, due to the loss of papers at the U.S. Patent and Trademark Office.

Respectfully submitted,



Date: February 26, 2004

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MAG/SJB  
#526360

**116682**

Venable Filing Number

**December 2, 2003**

Filing Date

Atty. Docket No.: 31894-192403

Re:

"MATERIALS AND METHODS FOR THE TREATMENT OF PREVENTION OF OBESITY" -  
Michael B. ZEMEL et al.

Application No.: 10/066,057

Filing Date: January 31, 2002

Patent No.:

Issue Date:

Trademark:

Trademark Reg. No.:

Opposition/Cancellation No.:

The following items were received from Venable  
Washington, D.C., by the U.S. Patent & Trademark Office:

**U.S. PTO FEES ENCLOSED**

_____ Fee and Provisional Cover Sheets	_____ Filing Fee
_____ New Provisional Application (16 pages of specification and 1 page Abstract)	_____ Surcharge Fee
_____ Drawings ( 6 Sheets; Figs. 1-6 )	_____ Additional Claim Fee
_____ National Stage Application	_____ Recordation/Indexing Fee
_____ Translation of International Application	_____ IDS Fee
_____ New U.S. TM Application ( ___ specimens)	_____ Extension Fee
_____ Rule 53(d) Continuation or Division Application	_____ Notice of Appeal Fee
_____ Rule 53(b) Continuation or Division	_____ Brief on Appeal Fee
_____ Application (in Duplicate) (attach copy of specification, claims, drawings & declaration)	_____ Oral Hearing Request Fee
_____ Notice of Change of Designated Address and Attorney docket Number	_____ Petition Fee
_____ Assignment w/ Cover Sheet	_____ Issue Fee
_____ Supplemental IDS w/ PTO - 1449 ( ___ references)	_____ Maintenance Fee
_____ Status Check	_____ TM Statement of Use
XXX Amendment Response	_____ 8 Affidavit Fee
_____ Petition/Request for Extension of Time	_____ 8 and 15 Affidavit
_____ Notice of Appeal	_____ TM Renewal Application Fee
_____ Appeal Brief (in triplicate)	_____ Notice of Opposition Fee
_____ Request for Oral Hearing	_____ Total Fees Paid
_____ Confirmation of Hearing Petition	
_____ Issue Fee Transmittal	
_____ Copy of Name Change Certification with Cover Sheet	
_____ Maintenance Fee Transmittal	
_____ Power of Attorney or Authorization of Agent	
_____ Declaration Under 8	
_____ Declaration Under 8 and 15	
_____ Revocation of Power of Attorney or Authorization of Agent	
_____ Statement Under 37 CFR 3.73(b) with copy of Name Change Certification from the State of Tennessee	
_____ Request for Corrected Filing Receipt	
XXX Terminal Disclaimer	
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**116682**

Venable Filing Number

**December 2, 2003**

Filing Date

Atty. Docket No.: **31894-192403**Re: **"MATERIALS AND METHODS FOR THE TREATMENT OF PREVENTION OF OBESITY" -  
Michael B. ZEMEL et al.**Application No.: **10/066,057**Filing Date: **January 31, 2002**

Patent No.:

Issue Date:

Trademark:

Trademark Reg. No.:

Opposition/Cancellation No.:

The following items were received from Venable  
Washington, D.C., by the U.S. Patent & Trademark Office:

**U.S. PTO FEES ENCLOSED**

Fee and Provisional Cover Sheets	Filing Fee
New Provisional Application (16 pages of specification and 1 page Abstract)	
Drawings ( <u>6</u> Sheets; Figs. 1-6 )	Surcharge Fee
National Stage Application	Additional Claim Fee
Translation of International Application	
New U.S. TM Application ( <u>    </u> specimens)	Recordation/Indexing Fee
Rule 53(d) Continuation or Division Application	
Rule 53(b) Continuation or Division	IDS Fee
Application (in Duplicate) (attach copy of specification, claims, drawings & declaration)	
Notice of Change of Designated Address and Attorney docket Number	Extension Fee
Assignment w/ Cover Sheet	Notice of Appeal Fee
Supplemental IDS w/ PTO - 1449 ( <u>    </u> references)	Brief on Appeal Fee
Status Check	
<b>XXX</b> Amendment Response	Oral Hearing Request Fee
Petition/Request for Extension of Time	
Notice of Appeal	Petition Fee
Appeal Brief (in triplicate)	
Request for Oral Hearing	Issue Fee
Confirmation of Hearing Petition	
Issue Fee Transmittal	Maintenance Fee
Copy of Name Change Certification with Cover Sheet	
Maintenance Fee Transmittal	TM Statement of Use
Power of Attorney or Authorization of Agent	
Declaration Under 8	8 Affidavit Fee
Declaration Under 8 and 15	
Revocation of Power of Attorney or Authorization of Agent	8 and 15 Affidavit
Statement Under 37 CFR 3.73(b) with copy of Name Change Certification from the State of Tennessee	
Request for Corrected Filing Receipt	TM Renewal Application Fee
<b>XXX</b> Terminal Disclaimer	
SELF-ADDRESSED STAMPED POSTCARD	Notice of Opposition Fee
	<b>\$0.00</b> Total Fees Paid

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